

**IMPERIAL COUNTY DIVISION OF
DIVISION OF ENVIRONMENTAL HEALTH
797 MAIN STREET, SUITE B, EL CENTRO, CA 92243
LOCAL ENFORCEMENT AGENCY**

IN THE MATTER OF:

Calexico Solid Waste Site (Facility No. 13-AA-
0004), 133 W. Hwy 98, Calexico, CA, described by
Assessor Parcel Numbers: 059100022, 059100024,
059100030 and 059100031

) **AMENDED NOTICE AND ORDER**
) **NO. EA-2008-01**
) Public Resources Code Division 30,
) Section 44106. California Code of
) Regulations Title 27, Section 20830.

To: County of Imperial

William S. Brunet, Director

Imperial County Department of Public Works

155 South 11th Street

El Centro, CA 92243

PLEASE TAKE NOTICE:

On July 10, 2008, the Imperial County Local Enforcement Agency (LEA) issued Notice and Order EA-2008-01 to the Imperial County Department of Public Works (Operator) directing the Operator to correct violations of Title 27 CCR 20830 – Litter Control at the Calexico Solid Waste Site within a stipulated timeframe. Directives in Notice and Order EA-2008-01 were to submit a work plan and obtain necessary approvals from applicable agencies by January 19, 2009. With all necessary approvals, work was to be performed collecting and disposing of all litter within the New River flood basin and along the western edge of the landfill prior to June 19, 2009.

An incomplete work plan was submitted to the LEA prior to the January 19, 2009 deadline. Additionally, the operator failed to make contact and notify applicable agencies for

1 approximately nine months since the issuance of Notice and Order EA-2008-01 in order to
2 obtain the necessary approvals from applicable agencies.

3 Inspections of the site conducted by the LEA since November 7, 2007, document that the
4 Calexico Solid Waste Site has remained in violation of Title 27 CCR § 20830 – Litter Control.
5 Illegally disposed waste has been observed at specified locations within the permitted boundaries
6 of the site and has not been collected as directed for approximately 20 months, with written
7 notices of these violations provided to your agency.

8 On March 11, 2008, the California Integrated Waste Management Board placed the
9 Calexico Solid Waste Site in the *Inventory of Solid Waste Facilities that Violate State Minimum*
10 *Standards (Inventory)* pursuant to Section 44104 of the Public Resources Code (PRC). Since the
11 Operator of the Calexico Solid Waste Site has repeatedly failed to comply with the requirements
12 of Title 27 of the California Code of Regulations (CCR), the LEA has the authority pursuant to
13 Section 44106(b) of the PRC to order a compliance schedule to ensure progress will be made to
14 bring the facility into compliance.

15 One June 19, 2009, the Imperial County Department of Public Works submitted a request
16 to the LEA for an extension to the deadline to complete the cleanup along the New River flood
17 basin and along the western edge of the landfill due to the following factors:

- 18 1. Permitting and approval delays from the jurisdictional regulatory agencies.
- 19 2. The initiation of remediation activities at the site is dependent upon the
20 completion of a public bidding process and local Board of Supervisors approval.

21 The LEA concurs that the requested approvals by local, State, and Federal agencies are
22 necessary to complete the remediation work at the site. Therefore, the LEA hereby amends the
23 timeframes specified in Notice and Order EA-2008-01 to those listed in this Amended Notice
24 and Order.

25
26 **WHEREAS**, the Calexico Solid Waste Site is located at 133 W. Highway 98
27 (approximately 1.15 miles west of Calexico, California), described by Assessor Parcel Numbers:
28 059100022, 059100024, 059100030 and 059100031;

1 **WHEREAS**, the Imperial County Local Enforcement Agency has the authority to act in
2 the capacity of enforcement agency (EA) for this facility pursuant to Public Resources Code
3 Section 43200 et. seq., and is so acting; and

4 **WHEREAS**, the Imperial County Department of Public Works shall operate the
5 Calexico Solid Waste Site (Solid Waste Facility Number: 13-AA-0004) in accordance with Title
6 27 of the California Code of Regulations Sections, Chapter 3 (State Minimum Standards) and the
7 Solid Waste Facility Permit.

8
9 **THEREFORE, YOU ARE HEREBY ORDERED TO DO THE FOLLOWING:**

10 Complete the following action on or before the date specified herein:

11 12 1. Submit a complete work plan detailing how the solid 13 waste illegally disposed along the western edge of the 14 landfill will be relocated to an approved disposal area. 15 Obtain necessary approvals from other applicable 16 agencies as necessary.	September 17, 2009
17 2. Section 20830 T27 CCR – Litter Control. Collect and 18 dispose of all litter located within the New River flood 19 basin area and remove all illegally dumped waste along 20 the western edge of landfill. Operator to comply with 21 state minimum standards for litter control.	December 16, 2009

22
23 **FURTHER NOTICE:**

24 **PURSUANT TO PRC SECTIONS 44305, 45011, 45014, AND 45023 AND**, if
25 the above action is not completed or complied with by the specified dates, the Local
26 Enforcement Agency may:

- 27 1. Petition the superior court for injunctive relief to enforce this Amended Notice
28 and Order. [PRC Section 45014]
29

2. Petition the superior court for civil penalties in an amount not to exceed \$10,000 per day for each violation. [PRC Section 45023 and 45024]
3. Impose administrative civil penalties in an amount not to exceed \$5,000 per day for each day the facility fails to achieve compliance with the time frames specified above. [PRC Section 45011]
- 4.. Suspend or revoke the Solid Waste Facility Permit. [PRC Sections 44305 and 44306]

In the event the time frame for completion of the above-specified activity cannot be adhered to due to factors not in the control of the operator, the LEA may extend the stipulated deadline based upon those specific factors provided by the operator in writing.

Failure to remedy the aforementioned violation(s) by the required date(s) may result in the California Integrated Waste Management Board (CIWMB) expending available funds to perform any cleanup, abatement, or remedial work needed to protect public health and safety or the environment pursuant to Public Resources Code section 48020. If the CIWMB expends funds to perform any cleanup, abatement, or remedial work, the CIWMB may seek repayment from responsible parties pursuant to Public Resources Code 48020 et seq. Moreover, funds so expended by the CIWMB constitute a lien upon the real property owned by any responsible party that is subject to the remedial action, pursuant to Public Resources Code section 48023.5.

Nothing in this Notice and Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Notice and Order, the owner and operator may be required to take further actions as necessary to protect the public health, safety, or the environment.

The LEA shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner or operator or related parties in carrying out activities pursuant to this Notice and Order, nor shall the LEA be held as a party to any contract entered into by the owner or operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

This Amended Notice and Order is supported by the accompanying declaration of Jorge Perez.

1 This Amended Notice and Order does not relieve the owner or operator from complying
2 with all other local, state, and federal requirements, nor does it preclude the LEA or the CIWMB
3 from taking any and all other actions allowed by law.

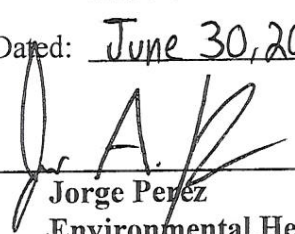
4 This Notice and Order may only be amended in writing by an appropriate representative
5 of the LEA.

6
7 **PLEASE TAKE NOTICE THAT:**

8 Pursuant to Title 14 CCR Section 18304(b)(8), the person or entity named in this Notice
9 and Order has the right to appeal this Notice and Order to the Hearing Panel. [PRC Section
10 44307] A request for a hearing before the Hearing Panel must be filed within 15 days from the
11 date of receipt of this Notice and Order. [PRC Section 44310]

12 This Notice and Order is issued as of the date set forth below.

13 Dated: June 30, 2009

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15 
16 **Jorge Perez**

17 **Environmental Health Compliance Specialist II**
18 **Local Enforcement Agency**
19 **Imperial County Public Health Department,**
20 **Division of Environmental Health**
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BEFORE THE
IMPERIAL COUNTY DIVISION OF ENVIRONMENTAL HEALTH
LOCAL ENFORCEMENT AGENCY

In the Matter of:

) AMENDED NOTICE

) AND ORDER

Calexico Solid Waste Site (Facility No. 13-AA-0004),

) NO. EA-2008-01

133 W. Highway 98, Calexico, CA, described by Assessor Parcel

Numbers: 059100022, 059100024, 059100030 and 059100031

) DECLARATION OF

) JORGE PEREZ

I, Jorge Perez, declare that,

1. I am currently, and was at all times referenced herein, employed as an Environmental Health Compliance Specialist II by the Imperial County Public Health Department, Division of Environmental Health, which serves as the Local Enforcement Agency (LEA) for the County of Imperial as authorized by the California Integrated Waste Management Board.

2. I have personal knowledge that the Calexico Solid Waste Site is in violation of Division 30 of the California Public Resources Code and Title 27 of the California Code of Regulations as described in the attached Amended Notice and Order EA-2008-01

3. I declare under penalty of perjury that the foregoing is true and correct.

Date: June 30, 2009



Jorge Perez
Environmental Health Compliance Specialist II
Local Enforcement Agency



COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

DIVISION OF ENVIRONMENTAL HEALTH

797 Main Street, Ste. B • El Centro, CA 92243

Phone (760) 336-8530 • Fax (760) 352-1309

ROBIN HODGKIN, M.P.A.
Director

STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

July 2, 2009

Megan Fisher
California Integrated Waste Management Board
1001 I Street
P.O. Box 4025, M.S. 10A
Sacramento, CA 95812-4025

Subject: Issuance of Amended Notice and Order No. EA-2008-01 for the Calexico Solid Waste Site, Facility No. 13-AA-0004

Ms. Fisher:

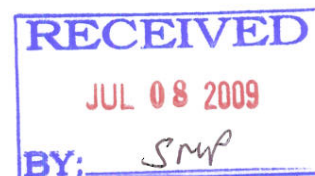
On June 30, 2009, the Imperial County Division of Environmental Health, Local Enforcement Agency (LEA) issued the attached Amended Notice and Order (EA-2008-01) to the Imperial County Department of Public Works (ICDPW) for a continuing violation of Title 27 CCR § 20830 – Litter Control. On June 19, 2009, the ICDPW submitted a request to the LEA for an extension to the Calexico Solid Waste Site Notice and Order EA-2008-01. The requested extension has been incorporated into the attached Amended Notice and Order, which has been issued pursuant to Section 44106 of the Public Resource Code.

If you have any questions, please do not hesitate to contact me at (760) 336-8530.

Sincerely,

Jorge Perez
Environmental Health Compliance Specialist II
Local Enforcement Agency

Cc: Paul Saldana, CIWMB
Jennie Snyder, RWQCB





COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

DIVISION OF ENVIRONMENTAL HEALTH

797 Main Street, Ste. B • El Centro, CA 92243

Phone (760) 336-8530 • Fax (760) 352-1309

ROBIN HODGKIN, M.P.A.
Director

STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

June 30, 2009

William Brunet, P.E., Director
County of Imperial
Department of Public Works
155 South 11th Street
El Centro, CA 92243

Subject: Amended Notice and Order EA-2008-01 for the Calexico Solid Waste Disposal Site (Facility No. 13-AA-0004)

Mr. Brunet:

Pursuant to the Public Resources Code, Section 44106, the Local Enforcement Agency (LEA) is authorized to mandate a compliance schedule to ensure that diligent progress will be made at the Calexico Solid Waste Site to correct violations of Title 27 of the California Code of Regulations (CCR). On July 10, 2008, the Imperial County LEA issued Notice and Order EA-2008-01 directing you to correct violations of Litter Control (Title 27 CCR 20830) at the Calexico Solid Waste Site within a stipulated timeframe. Directives in Notice and Order EA-2008-01 were to submit a work plan and obtain necessary approvals from applicable agencies by January 19, 2009. With all necessary approvals, work was to be performed collecting and disposing of all litter within the New River flood basin and along the western edge of the landfill prior to June 19, 2009.

An incomplete work plan was submitted to the LEA prior to the January 19, 2009 deadline. However, the Department of Public Works failed to make contact and/or notify applicable agencies for approximately nine months after the issuance of Notice and Order EA-2008-01 on July 10, 2008. As a result of this delay by your agency, approvals have not yet been obtained from the applicable local, State, and Federal agencies necessary to complete the project.

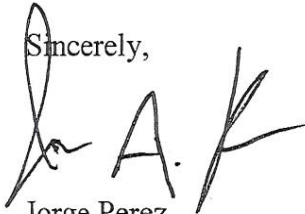
Inspections of the site conducted by the LEA since November 7, 2007 have documented that the Calexico Solid Waste Site remains in violation of Title 27 CCR § 20830 – Litter Control. Solid wastes illegally disposed in the identified locations at the site have been observed and not

collected for approximately 20 months. Written notices of these violations have also been provided to you on a monthly basis since November of 2007.

On June 19, 2009, the LEA received a written request from Imperial County Department of Public Works for an extension to the deadline of Notice and Order EA-2008-01. The extension is being requested to allow your agency to secure local, State and Federal agency approvals to complete the remediation work at the site. The LEA concurs that these approvals are necessary and has incorporated an extension to the deadlines into the attached Amended Notice and order EA-2008-01 to allow you to obtain these permits. However, the extension has been limited to 180 days from the date of this letter. Failure to comply with the attached enforcement order will result in the LEA imposing civil penalties to enforce the attached order and/or suspending the Solid Waste Facility Permit for the site.

If you have any questions, please do not hesitate to contact me at (760) 336-8530.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Perez' with a stylized flourish at the end.

Jorge Perez

Environmental Health Compliance Specialist II
Local Enforcement Agency

Cc: Supervisor Wally Leimgruber, Chairman of the Board of Supervisors
Supervisor Victor Carrillo, District 1
Robin Hodgkin, Director, Department of Public Health
Lars Seifert, Manager, Environmental Health Services
Megan Fisher, CIWMB
Paul Saldana, CIWMB
Jennie Snyder, RWQCB

Encl: Amended Notice and Order EA-2008-01